

REMARKS

Claims 1-31 and 43-67 are pending. Claims 1-31 and 43-67 stand rejected under 35 U.S.C. § 102(b) as anticipated by DuPuis, "What You See Is What Test: A Methodology for Testing Form-Based Visual Programs", 4-1998.

Reconsideration is requested. No new matter is added. The rejections are traversed. Claims 1-31 and 43-67 remain in the case for consideration.

REJECTIONS UNDER 35 U.S.C. § 102(b)


In the Office Action, Paper No. 4, dated March 12, 2003, claims 1-31 and 43-67 previously stood rejected under 35 U.S.C. § 102(a) as being anticipated by DuPuis. In the Response to the Office Action dated March 12, 2003, the Applicant submitted declarations from the authors of DuPuis (three of which are the inventors named in this application), in an attempt to overcome the rejection. The affidavits indicated the publication date of DuPuis as April 1997. In fact, DuPuis was published April 1998. The declarations simply included typographical errors in the publication date of DuPuis. The Applicant notes that the Examiner, in citing DuPuis originally, indicated the publication date as being in 1998. *See* PTO Form 892, attached to the Office Action dated March 12, 2003. The Applicant also submits as evidence of the 1998 publication date Exhibit A, which is a true copy of the cover page of the DuPuis article and shows a copyright date of 1998.

The Applicant submits new affidavits, which correct the typographical error in the publication date of DuPuis from the earlier affidavits. As argued previously, the three inventors named in this application are all co-authors of DuPuis, and could not have written the DuPuis article without having previously made the invention. The fourth author, Mr. Christopher DuPuis, acknowledges that he is not a co-inventor, and that the three named inventors are the only inventors of the patent application. Accordingly, the DuPuis article should not be available as prior art under either 35 U.S.C. § 102(a) or § 102(b) (nor under § 102(f)). Accordingly, the claims are allowable over DuPuis.

For the foregoing reasons, reconsideration and allowance of claims 1-31 and 43-67 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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